

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**IN THE MATTER OF THE
APPLICATION OF MAKHPAL
KARIBZHANOVA FOR JUDICIAL
ASSISTANCE PURSUANT TO
28 U.S.C. § 1782**

Case No. 1:21-MC-00442-KPF

**DECLARATION OF
MARIE-HÉLÈNE BÉRARD**

MARIE-HÉLÈNE BÉRARD, pursuant to 28 U.S.C. § 1746, declares the following:

1. I am a citizen and resident of France. I am proficient in both writing and speaking English and fully capable of providing this declaration in the English language.

2. I am the founder and President of MHB SAS, a Paris-based investment and consulting firm specializing in cross-border transactions. I have had a long public service and business career. In addition to my own investment and consulting business, I serve as an independent director on boards of numerous organizations, including the treasurer of the Chirac Foundation, the treasurer of the Franco-Israeli Chamber of Commerce, a board member of Halcyon (formerly Verno Capital), and OREA Mining Corporation (formerly Columbus Gold). I am also a founding member of the Franco-Russian Dialog and the Franco-Kazakhstani Enterprises Council. I co-authored “Le Dictionnaire de la Constitution” (The Dictionary of the Constitution), first published in 1974 and often cited as a standard reference work in French law schools. I have been honored with the distinction of Commandeur of the French Order of the Légion d’Honneur and Commandeur of the French Ordre National du Mérite, the highest civil awards of merit in France.

3. I make this affidavit in support of Mr. Aidan Karibzhanov’s (“Mr. Karibzhanov”) motion to quash subpoenas and vacate the Court’s order dated June 15, 2021, which granted Ms.

Makhpal Karibzhanova's ("Ms. Karibzhanova") application for judicial assistance pursuant to 28 U.S.C. § 1782.

4. I have reviewed Ms. Karibzhanova's application for judicial assistance filed with the Court on May 12, 2021. I have identified several false and misleading allegations concerning me and my connection to Mr. Karibzhanov in the Affidavit of Makhpal Karibzhanova ("Karibzhanova Aff.") and the Memorandum of Law in Support of Application for Judicial Assistance Pursuant to 28 U.S.C. § 1782 ("Memorandum"), and I wish to correct these allegations as follows:

a. Ms. Karibzhanova claims that I, together with Mr. Karibzhanov and other individuals "operate and control Verno Capital [Group Limited]" and that I "frequently serve[] as a nominee owner to act as proxy for [Mr. Karibzhanov]." Karibzhanova Aff., at ¶ 39; *see* Memorandum, at 10-11, 13 (claiming that I am one of Mr. Karibzhanov's "trusted nominees" who owns and controls Verno Capital Group Limited, I "serve[]" as a nominee owner for bank accounts and assets held on behalf of [Mr. Karibzhanov]," and I am a partner in Verno Capital Fund). These claims are entirely false. I have never played any role in operating or controlling Verno Capital Group Limited ("Verno Capital"), never invested in Verno Capital for myself or on behalf of anyone else, and never served as a nominee to act as a proxy for Mr. Karibzhanov in relation to Verno Capital or otherwise. My only role in connection with Verno Capital was as an independent director, not a partner. Mr. Karibzhanov was an independent director of Verno Capital as well, until he resigned in 2019.

b. Ms. Karibzhanov claims that I am a principal of Mubadala Fund. Karibzhanova Aff., at ¶ 41; Memorandum, at 14. This claim is false. I am not now and have never been a principal of Mubadala Fund.

c. It is claimed that Ms. Karibzhanova met with Mr. Karibzhanov's personal bankers, including Marguerite Bérard of BNP Paribas. Memorandum, at 23-24. This is false. Marguerite Bérard is my daughter. She began working at BNP Paribas in 2019, after Mr. Karibzhanov and Ms. Karibzhanova's divorce. She has never been a personal banker for Mr. Karibzhanov at BNP Paribas or elsewhere.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July ~~30~~ 2021



MARIE-HÉLÈNE BÉRARD